

DIVISION OF HEALTH SERVICES REGULATION  
BOARD OF SOCIAL WORK EXAMINERS

3 CAPITOL HILL  
CONFERENCE ROOM 104  
PROVIDENCE, RHODE ISLAND

Thursday, August 13, 2015  
9:00 AM

OPEN SESSION MINUTES

BOARD MEMBERS IN ATTENDANCE

Lynn Finocchiaro, LICSW  
Connie Gallo, LCSW  
Barry Noel, LCSW  
Kimberly Perry, LICSW  
Dr. Mary Ann Shallcross-Smith, Public Member  
Sandra Munroe Wunschel, LICSW

BOARD MEMBERS NOT IN ATTENDANCE

Ronda Jones, MSW, QRC

STAFF MEMBERS IN ATTENDANCE

Sarah Harrigan, Chief of the Center for Professional Boards & Commissions  
Arlene Hartwell, Board Manager

OTHERS IN ATTENDANCE

None

1. Establishment of a quorum

A meeting of the Board of Social Work Examiners was held on Thursday, August 14, 2015 at the Rhode Island Department of Health, Conference Room 104, 3 Capitol Hill, Providence, RI 02908. A quorum was established and the Open Session meeting was called to order at 9:00 AM on a motion by Sandra Munroe Wunschel and seconded by Kimberly Perry. Motion carried.

2. Presentation of the June 4, 2015 Open Session Meeting Minutes

Motion was made by Barry Noel and seconded by Lynn Finocchiaro to accept the Open Session minutes of June 4, 2015. The Board voted unanimously to approve the Open Session minutes as presented. Motion carried.

3. Board Manager Report

- The License Procedure for Social Workers, RI General Laws, Chapter 5-39.1-8, refers to the National Association of Social Worker (NASW) Code of Ethics. The Standards of Practice/Code of Conduct document, which was created using the Association of Social Work Boards (ASWB) Model Social Work Practice Act, and was adopted by the Board of Social Work Examiners, includes standards that licensees must follow in addition to the NASW Code of Ethics. .
  - i. Sandra Munroe Wunschel made a motion, which was seconded by Mary Ann Shallcross-Smith, that the Standards of Practice/Code of Conduct document be attached to the minutes of today's meeting to be posted on the RI Secretary of State website. Motion carried.

4. New Business

- Barry Noel distributed a document he created to provide board members with an overview of the ASWB New Board Member Training he attended in March, 2015.
  - i. The board reviewed information from the ASWB to new board members and discussed RI DOH policy relative to that information.
    - 1. Due to a time constraint, the board decided to continue to continue to review to document at the next board meeting.
- Sarah Harrigan introduced herself to board members.

- i. Sarah listened to concerns of board members and avowed her intent to address them. Sarah also added that she is responsible for board staffing and is working with the governor's office to fill vacancies and update boards.

5. Motion to adjourn to Closed Session

Motion was made by Sandra Munroe Wunschel and seconded by Mary Ann Shallcross-Smith to adjourn to Closed Session at 10:08 AM. Motion carried. Pursuant to Sections 42-46-4 and 42-46-5(a)(1) of the Rhode Island General Laws, for the purpose of discussing job performance, character, physical or mental health of applicants for licensure. Said individuals have been notified in advance by writing that they may request that the discussion be held at an open meeting. Also, pursuant to Sections 42-46-4 and 42-46-5(a)(4) of the Rhode Island General Laws, for investigatory proceedings regarding allegations of civil or criminal misconduct.

6. Motion to return to Open Session

Motion was made by Kimberly Perry and seconded by Barry Noel at 11:08 AM to re-open the Open Session and to seal the Minutes of the Closed Session pursuant to Sections 42-46-4, 42-46-5 and 42-46-7 of the Rhode Island General Laws. Motion carried.

7. Final Actions on all votes taken in Closed Session

- The board reviewed and approved 16 applications, awaits additional information for 2 applicants; and proposed action on 2 cases.

8. Adjournment

The next Board of Social Work Examiners meeting will be held Thursday, November 13, 2015 at the Rhode Island Department of Health, Conference Room 104, 3 Capitol Hill, Providence, RI 02908. Motion was made by Kimberly Perry and seconded by Sandra Munroe Wunschel to adjourn at 11:13 AM. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Arlene Hartwell".

Arlene Hartwell

Board Manager

Office of Health Professionals Regulation

## **Standards of Practice/Code of Conduct**

### **STANDARDS OF PRACTICE FOR SOCIAL WORKERS**

#### **1. Scope & Applicability**

The standards of practice apply to all applicants and licensees. The use of the term social worker within these standards of practice includes all applicants and licensees.

#### **2. Purpose**

The standards of practice constitute the standards by which the professional conduct of an applicant or licensee is measured.

#### **3. Violations**

A violation of the standards of practice constitutes unprofessional or unethical conduct and constitutes grounds for disciplinary action or denial of licensure.

### **GENERAL PRACTICE PARAMETERS**

#### **1. Client Welfare**

Within the context of the specific standards of practice prescribed herein, a social worker shall make reasonable efforts to advance the welfare and best interests of a client.

#### **2. Self-determination**

Within the context of the specific standards of practice prescribed herein, a social worker shall respect a client's right to self-determination.

#### **3. Nondiscrimination**

A social worker shall not discriminate against a client, student, or supervisee on the basis of age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation, or social or economic status. If the social worker is unable to offer services because of a concern about potential discrimination against a client, student, or supervisee, the social worker shall make an appropriate and timely referral. When a referral is not possible, the social worker shall obtain supervision or consultation to address the concern.

#### **4. Professional Disclosure Statement**

A social worker shall effectively communicate through handout or other means as appropriate for all clients and may display at the social worker's primary place of practice a statement that the client has the right to the following:

- A.* To expect that the social worker has met the minimal qualifications of education, training, and experience required by the law in that jurisdiction;
- B.* To examine public records maintained by the Board which contain the social worker's qualifications and credentials;
- C.* To be given a copy of the standards of practice upon request;
- D.* To report a complaint about the social worker's practice to the Board;
- E.* To be informed of the cost of professional services before receiving the services;
- F.* To privacy as allowed by law, and to be informed of the limits of confidentiality;

- G. Limited access to client information. A social worker shall make reasonable efforts to limit access to client information in a social worker's agency to appropriate agency staff whose duties require access.
- H. Supervision or Consultation. A social worker receiving supervision related to practice shall inform the client that the social worker may be reviewing the client's case with the social worker's supervisor or consultant. Upon request, the social worker shall provide the name of the supervisor and the supervisor's contact information.
- I. To be free from being the object of discrimination while receiving social work services; and
- J. To have access to records as allowed by law.

### **COMPETENCE**

#### **1. Continued Competence**

A social worker shall take all necessary and reasonable steps to maintain continued competence in the practice of social work.

#### **2. Limits on Practice**

A social worker shall limit practice only to the competency areas for which the social worker is qualified by licensure and training, experience, or supervised practice.

#### **3. Referrals**

A social worker shall make a referral to other professionals when the services required are beyond the social worker's competence.

#### **4. Delegation**

A social worker shall not assign, oversee or supervise the performance of a task by another individual when the social worker knows that the other individual is not licensed to perform the task or has not developed the competence to perform such task.

### **PRACTICE REQUIREMENTS**

#### **1. Assessment or Diagnosis**

A social worker shall base services on an assessment or diagnosis. A social worker shall evaluate on an ongoing basis whether the assessment or diagnosis needs to be reviewed or revised.

#### **2. Assessment or Diagnosis Instruments**

A social worker shall follow standard and accepted procedures for deciding when and how to use an assessment or diagnostic instrument. A social worker shall inform a client of its purpose before administering the instrument and, when available, of the results derived therefrom.

#### **3. Plan**

A social worker shall develop a plan for services which includes goals based on the assessment or diagnosis. A social worker shall evaluate on an ongoing basis whether the plan needs to be reviewed or revised.

#### **4. Supervision or Consultation**

A social worker shall obtain supervision or engage in consultation when necessary to serve the best interests of a client.

## **5. Informed Consent**

Social workers shall provide services to clients only in the context of a professional relationship based, when appropriate, on valid informed consent. Social workers should use clear and understandable language to inform clients of the plan of the services, risks related to the plan, limits to services, relevant costs, reasonable alternatives, client's right to refuse or withdraw consent, and the time frame covered by the consent. Social workers shall provide clients with an opportunity to ask questions. If the client does not have the capacity to provide consent, the social worker shall obtain consent for the services from the client's legal guardian or other authorized representative. If the client, the legal guardian, or other authorized representative does not consent, the social worker shall discuss with the client that a referral to other resources may be in the client's best interests.

## **6. Records**

A. A social worker shall make and maintain records of services provided to a client. At a minimum, the records shall contain documentation verifying the identity of the client; documentation of the assessment or diagnosis; documentation of a plan, documentation of any revision of the assessment or diagnosis or of a plan; any fees charged and other billing information; copies of all client authorization for release of information and any other legal forms pertaining to the client. These records shall be maintained by the licensee or agency employing the licensee under secure conditions and for time periods in compliance with applicable federal or state law, but in no case for fewer than seven years after the last date of service.

B. Where a social worker or social work practice ceases operations as a result of a suspension, retirement or death of the owner, sale or other cause, including insolvency, the licensee, or other individual responsible for supervising the disposition of the practice, shall make every effort to notify the clients of their right to retrieve current records for a period of six (6) months using all of the following methods:

1. Notification in writing to the board;
2. Publication, at least weekly for one month, in a newspaper whose circulation encompasses the major area of a practitioner's former practice, of a notice advising clients of the right to retrieve their records for a six (6) month period; and
3. If applicable, a sign placed at the practice location informing clients of the right and procedures to retrieve their records.

C. Should any client fail to retrieve the records within the six (6) month period and unless otherwise required by law, the responsible party shall arrange the destruction of such documents in a manner to ensure confidentiality.

## **7. Reports**

A social worker shall complete and submit reports as required by law in a timely manner.

## **8. Exploitation**

A social worker shall not exploit in any manner the professional relationship with a client, student, or supervisee for the social worker's emotional, financial, sexual or personal advantage or benefit, nor shall the social worker use the professional relationship with a client, student, or supervisee to further personal, religious, political or business interests.

## **9. Termination of services**

A social worker shall terminate a professional relationship with a client when the client is not likely to benefit from continued services or the services are no longer needed. The social worker who anticipates the termination of services shall give reasonable notice to the client. The social worker shall take reasonable steps to inform the client of the termination of professional relationship. The social worker shall provide referrals as needed or upon the request of the client. A social worker shall not terminate a professional relationship for the purpose of beginning a personal or business relationship with a client.

## **RELATIONSHIPS WITH CLIENTS AND FORMER CLIENTS**

### **1. Personal Relationships with Clients**

A social worker shall not engage in dual relationships with clients that compromise the well-being of the client, impair the objectivity and professional judgment of the social worker or increase the risk of client exploitation. When a social worker may not avoid a personal relationship with a client, the social worker shall take appropriate precautions, such as informed consent, consultation, or supervision to ensure that the social worker's objectivity and professional judgment are not impaired.

### **2. Personal Relationships with Former Clients**

A social worker may engage in a personal relationship, except as prohibited by Part 5, 4, with a former client, if the former client was notified of the termination of the professional relationship. The social worker shall continue to consider the best interests of the former client, and shall not engage in a personal relationship with a former client if a reasonable social worker would conclude that the former client continues to relate to the social worker in the social worker's professional capacity.

### **3. Sexual Contact with a Client**

A social worker shall not engage in or request sexual contact as defined in Part 5, 5, with a client under any circumstances. A social worker shall not engage in any verbal or physical behavior which a reasonable person would find to be sexually seductive or sexually demeaning. A social worker shall not sexually harass a client.

### **4. Sexual Contact with a Former Client**

A social worker who has provided clinical social work services to a client shall not engage in or request sexual contact as defined in Part 5, 5, with the former client under any circumstances. A social worker who has provided other social work services to a client shall not engage in or request sexual contact as defined in Part 5, 5, with the former client at any time if a reasonable social worker would determine that engaging in sexual contact with the client would be exploitative, abusive, or detrimental to the client's welfare. It is the responsibility of the social worker to assume the full burden of demonstrating that the former client has not been exploited or abused either intentionally or unintentionally.

### **5. Sexual Contact Defined**

Sexual contact includes but is not limited to sexual intercourse, either genital or anal, cunnilingus, fellatio, or the handling of the breasts, genital areas, buttocks, or thighs, whether clothed or unclothed, by either the social worker or the client.

### **6. Business Relationship with a Client**

A social worker shall not engage in any type of a business relationship with a client. Business relationships do not include purchases made by the social worker from the client when the client is providing necessary goods or services to the general public, and



the social worker determines that it is not possible or reasonable to obtain the necessary goods or services from another provider.

## **7. Business Relationship with a Former Client**

A social worker may engage in a business relationship with a former client, if the former client was notified of the termination of the professional relationship. The social worker shall continue to consider the best interests of the former client, and shall not engage in a business relationship with a former client if a reasonable social worker would conclude that the former client continues to relate to the social worker in the social worker's professional capacity.

## **8. Prior Personal or Business Relationships**

A social worker may engage in a professional relationship with an individual with whom the social worker had a previous personal or business relationship only if a reasonable social worker would conclude that the social worker's objectivity and professional judgment will not be impaired by reason of the previous personal or business relationship.

## **9. Social Worker Responsibility**

A social worker shall be solely responsible for acting appropriately in regard to relationships with clients or former clients. A client or a former client's initiation of a personal, sexual, or business relationship shall not be a defense by the social worker for a violation of Part 5, s 1 through 8.

## **10. Others**

Numbers 1 through 9 above also apply to a social worker's relationship with students, supervisees, employees of the social worker, family members or significant others of a client.

# **CLIENT CONFIDENTIALITY**

## **1. General**

A social worker shall protect all information provided by or obtained about a client. "Client information" includes the social worker's personal knowledge of the client and client records. Except as provided herein, client information may be disclosed or released only with the client's written informed consent. The written informed consent shall explain to whom the client information will be disclosed or released and the purpose and time frame for the release of information.

## **2. Release of Client Information Without Written Consent**

A social worker shall disclose client information without the client's written consent only under the following circumstances:

- A. Where mandated by federal or state law, including mandatory reporting laws, requiring release of client information;
- B. The social worker determines that there is a clear and imminent risk that the client will inflict serious harm on either the client or another identified individual. The social worker shall release only the information that is necessary to avoid the infliction of serious harm. The social worker may release this information to the appropriate authorities and the potential victim;
- C. The Board duly issues a valid subpoena to the social worker, as permitted by law.

### **3. Release of Client Records Without Written Consent**

A social worker shall release client records without the client's written consent under the following circumstances:

- A. A client's authorized representative consents in writing to the release;
- B. As mandated by federal or jurisdiction law requiring release of the records;
- C. The Board duly issues a valid subpoena for the records, as permitted.-2

### **4. Limits of Confidentiality**

The social worker shall inform the client of the limits of confidentiality as provided under the applicable law.

### **5. Minor Clients**

In addition to the general directive in Part 6, 4, a social worker must inform a minor client, at the beginning of a professional relationship, of any laws which impose a limit on the right of privacy of a minor.

### **6. Third Party Billing**

A social worker shall provide client information to a third party for the purpose of payment for services rendered only with the client's written informed consent. The social worker shall inform the client of the nature of the client information to be disclosed or released to the third party payor.

### **7. Client Information to Remain Private**

A social worker shall continue to maintain confidentiality of client information upon termination of the professional relationship including upon the death of the client, except as provided under applicable law.

### **8. Recording / Observation**

A social worker shall obtain the client's written informed consent before the taping or recording of a session or a meeting with the client, or before a third party is allowed to observe the session or meeting. The written informed consent shall explain to the client the purpose of the taping or recording and how the taping or recording will be used, how it will be stored and when it will be destroyed.

## **CONDUCT**

### **1. Impairment**

A social worker shall not practice while impaired by medication, alcohol, drugs, or other chemicals. A social worker shall not practice under a mental or physical condition that impairs the ability to safely practice.

### **2. Giving Drugs to a Client**

Unless permissible by state law, a social worker shall not offer medication or controlled substances to a client, or accept these substances from a client for personal use or gain. The social worker may accept medication or controlled substances from a client for purposes of disposal or to monitor use. Under no circumstances shall a social worker offer alcoholic beverages to a client or accept such from a client.

### **3. Investigation**

A social worker shall comply with and not interfere with Board investigations.

## **REPRESENTATION TO THE PUBLIC/ADVERTISING**

### **1. Required Use of License Designation**

A social worker shall use the license designation of LBSW, LMSW, LCSW, which corresponds to the social worker's license, after the social worker's name in all written communications related to social work practice, including any advertising, correspondence, and entries to client records

### **2. Information to Clients or Potential Clients**

A social worker shall provide accurate and factual information concerning the social worker's credentials, education, training, and experience upon request from a client or potential client. A social worker shall not misrepresent directly or by implication the social worker's license level, degree, professional certifications, affiliations, or other professional qualifications in any oral or written communication or permit or continue to permit any misrepresentations by others. A social worker shall not misrepresent, directly or by implication, affiliations, purposes, and characteristics of institutions and organizations with which the social worker is associated.

## **FEES AND BILLING PRACTICES**

### **1. Fees and Payments**

A social worker who provides a service for a fee shall inform a client of the fee at the initial session or meeting with the client. Payment must be arranged at the beginning of the professional relationship, and the payment arrangement must be provided to a client in writing. A social worker shall provide, upon request from a client, a client's legal guardian, or other authorized representative, a written explanation of the charges for any services rendered.

### **2. Necessary Services**

A social worker shall bill only for services which have been provided. A social worker shall provide only services which are necessary.

### **3. Bartering**

A social worker may not accept goods or services from the client or a third party in exchange for the social worker's services, except when such arrangement is initiated by the client and is an accepted practice in the social worker's community or within the client's culture. It is the responsibility of the social worker to assume the full burden of demonstrating that this arrangement will not be detrimental or exploitative to the client or the professional relationship.

### **4. No Payment for Referrals**

A social worker shall neither accept nor give a commission, rebate, fee split, or other form of remuneration for the referral of a client.

## **RESEARCH**

## **1. Informed Consent**

When undertaking research activities, the social worker shall abide by accepted protocols for protection of human subjects. A social worker must obtain a client's or a client's legal guardian's written informed consent for the client to participate in a study or research project and explain in writing the purpose of the study or research as well as the activities to be undertaken by the client should the client agree to participate in the study or research project. The social worker must inform the client of the client's right to withdraw from the project at any time.

**NOTE: This document was drafted from the Association of Social Worker Boards Model Practice Act, Model Law Task Force, 1996-1997 with amendments, 1998-2012.**

